OFFICE OF THE
DISTRICT LEGAL SERVICES AUTHORITY :::::::::: BONGAIGAON
জিলা আইন সেৱা প্ৰাধিকৰণ::::::::::::বঙাইগাঁও
1st Floor, District Judicial Court Building, Deuripara, Bongaigon
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No. DLSA/BGN 17/2017-20/ 1728 Dated: 8th May, 2020

From: Shri C. P. Talukdar, AJS,
Secretary,
District Legal Services Authority,
Bongaigaon.

To,
The Hon'ble Member Secretary,
Assam State Legal Services Authority,
Behind Gauhati High Court New Block,
Guwahati-01.

Sub.: **Minutes of the Weekly Under Trial Review Committee (UTRC) meeting held on 08-05-2020.**

Ref.: i) Letter No. ASLSA 114/2010/Pt-I/3691 dated 29th December, 2018.
ii) Suo Moto Writ Petition (Civil) No. 01/2020 of Hon'ble Supreme Court of India.

Sir,

With reference to the subject cited above, I have the honour to submit herewith the copy of Minutes of the Weekly Under Trial Review Committee (UTRC) meeting held on today i.e. 08-05-2020, for your kind information and necessary action.

Enclo.: Copy of Minutes of UTRC meeting.

Yours sincerely
08/05/2020
(Shri C. P. Talukdar, AJS)
Secretary
District Legal Services Authority
Bongaigaon

Memo No. DLSA/BGN 17/2017-20/ 1729-1737 Dated: 8th May, 2020
Secretary District Legal Services Authority Bongaigaon
08/05/2020

Copy to:-

1. The District & Sessions Judge -cum- Chairman, DLSA, Bongaigaon, for his kind information.
2. The Addl. District & Sessions Judge (F.T.C.), North Salmara, Abhayapuri, for kind information and necessary action pertaining to point No. 11.
3. The District Magistrate, Bongaigaon, for kind information.
4. The Chief Judicial Magistrate, Bongaigaon, for kind information.
5. The Superintendent of Police, Bongaigaon, for kind information.
6. The Sub-Divisional Judicial Magistrate (M), North Salmara, Abhayapuri, for kind information and necessary action pertaining to point No. 11 & 13.
7. The Judicial Magistrate 1st Class, North Salmara, Abhayapuri, for kind information and necessary action pertaining to point No. 7 & 10.
8. The Superintendent of District Jail, Abhayapuri for kind information and necessary action.
9. The Systems Officer, O/o the District & Sessions Judge, Bongaigaon. *He is asked to uploading the minutes of the UTRC meeting in the official website immediately.*
10. Office file.

08/05/2020
(Shri C. P. Talukdar, AJS)
Secretary
District Legal Services Authority
Bongaigaon
Secretary District Legal Services Authority Bongaigaon
08/05/2020

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MINUTES

Under Trial Review Committee meeting of Bongaigaon District.

The Weekly Under Trial Review Committee meeting is convened today, i.e. on 08-05-2020 at 1 P.M in the Office Chamber of the District & Sessions Judge, Bongaigaon in compliance with the Order Dated 23.03.2020 of the Hon'ble Supreme Court passed in RE- "Contagion of Covid-19 Virus in Prisons" (Suo Moto Writ Petition (Civil) No-01 of 2020) and in view of the earlier resolution dated 31.03.20 of the UTRC.

The following members along with the Special Invitee are present in person and via Video Conferencing/Audio Conferencing:-

Shri Satya Nath Sarma, A.J.S - (Chairman)	-	District & Sessions Judge -cum- Chairman, DLSA, Bongaigaon.
Sri Anupam Deka, A.C.S. (Member)	-	A.D.C representing the District Magistrate, Bongaigaon. (**Via Video Conferencing**)
Sri Pankaj Kakati, A.P.S. (Member)	-	Addl. S. P. representing the Superintendent of Police, Bongaigaon. (**Via Video Conferencing)**
Shri C. P. Talukdar, A.J.S. (Member)	-	Secretary, DLSA, Bongaigaon.
Shri J. Deka (Member)	-	Superintendent, District Jail, Abhayapuri, Bongaigaon. (**Via Video Conferencing**)
Smti S. Dutta, A.J.S. **Special Invitee**		Chief Judicial Magistrate, Bongaigaon

In the meeting, the following matters were taken up as **per the S.O.P. issued by the N.A.L.S.A** sent by E-Mail dated 17-12-2018 in compliance with the directions of the Hon'ble Supreme Court in W.P. (C) No- 406/2013 in Re-Inhuman Conditions in 1382 Prisons. The Secretary, D.L.S.A placed before the committee the list placed the lists of UTPs under the various categories to be taken up by the committee for consideration under the respective heads. The committee deliberated upon the lists and the matters raised by all concerned and after due discussions took up the resolutions.

1) **U.T.Ps covered under Sec. 436 A of the Cr.P.C.**

The Committee perused the list of UTPs in detail and **found no such case** which required application of Sec. 436 A of the Cr.P.C.

2) **U.T.Ps released on Bail by court but have not been able to furnish sureties:**

The Secretary, D.L.S.A. put forth the list of one UTP who fell under this category as per the information sent by the Superintendent, District Jail that the said UTP has failed to furnish Bail Bonds.

Sl No	*Name of UTP*	*Case No-*	*Date of Admission*	*Section*	*Trial Court*
1	Sri Bhabananda Sarma	Abhyapuri P.S. Case No-77/20	06-02-20	366A, IPC	SDJM(M), Abhyapuri, North Salmara

It has been informed by the learned SDJM(M) that the said UTP was released on bail on 06.04.2020 itself.

Resolution:

The Committee perused the lists and found that in view of the records available, has resolved that a revision may be filed before the Appellate Court for modification of the Bail Order for consideration of the release of the said UTP on P.R. Bond. The Secretary, DLSA will do the needful and also contact the family members of the UTP for submission of bail bonds.

3. **UTPs accused of compoundable offences.**
[As per order of Hon'ble Supreme Court dated 24th April, 2015]

The Committee perused the list of UTPs in detail and **found no such case** in the above category.

4. **UTPs eligible under Section 436 of Cr.P.C.**
[As per order of Hon'ble Supreme Court dated 05th February, 2016]

The Committee perused the list of UTPs in detail and **found no such case** in the above category.

5. **UTPs who may be covered under Section 3 of the Probation of Offenders Act, namely accused of offence under Sections 379, 380, 381, 404, 420 IPC or alleged to be an offence not more than 2 years imprisonment.**
[As per order of Hon'ble Supreme Court dated 05th February, 2016]

The Committee perused the list of UTPs in detail and **found no such case** in the above category.

6. Convicts who have undergone their sentence or are entitled to release because of remission granted to them.

[As per order of Hon'ble Supreme Court dated 05th February, 2016]

The Committee perused the list of UTPs in detail and **found no such case** in the above category.

7. UTPs become eligible to be released on bail u/s 167(2)(a)(i) & (ii) of the Code read with Section 36A of the Narcotic Drugs and Psychotropic Substances Act, 1985 (where persons accused of Section 19 or Section 24 or Section 27A or for offences involving commercial quantity) and where investigation is not completed in 60/90/180 days.

[As per order of Hon'ble Supreme Court dated 06th May, 2016]

The Secretary, D.L.S.A. put forth the list of one UTP who fell under this category as per the information sent by the Jail Authorities.

Sl No	*Name of UTP*	*Case No-*	*Date of Admission*	*Section*	*Trial Court*
1	Sri Dhananjay Shill	Joghighopa P.S. Case No-81/20	04-03-20	366, IPC	JMFC, Abhyapuri, North Salmara

It has been informed by the Superintendent, District Jail that the said UTP has not yet been granted Bail and Bail Order if any has also not been communicated to the Jail Authorities.

Resolution:

The Committee perused the lists and found that in view of the records available, has resolved that a recommendation may be sent to the concerned court for the release of the said UTP on statutory bail or to be released in P.R. Bond as deemed fit.

8. UTPs who are imprisoned for offences which carry a maximum punishment of 2 years. *[As per order of Hon'ble Supreme Court dated 06th May, 2016]*

The Committee perused the list of UTPs in detail and **found no such case** in the above category.

9. UTPs who are detained under Chapter VIII of the Cr.P.C. i.e. u/s 107, 108, 109 and 151 of Cr.P.C. ***[As per order of Hon'ble Supreme Court dated 06th May, 2016]***

The Committee perused the list of UTPs in detail and **found no such case** in the above category.

10. UTPs who are sick or infirm and require specialized medical treatment.
[As per order of Hon'ble Supreme Court dated 06th May, 2016]

The Superintendent, District Jail that the UTP, Dhananjay Shill who was suffering from some skin ailment is now fully recovered.

The Secretary, DLSA also informed that the said UTP has undergone the statutory period of detention but no bail order has been passed till date. He has also informed that already Legal Aid has been provided to the said UTP.

Resolution:

The Committee has resolved that *the concerned court will be informed of the same and in the event of bail being granted, the family members will be informed of the same by the Secretary, DLSA through the legal aid counsel.*

11. UTPs women offenders. *[As per order of Hon'ble Supreme Court dated 06th May, 2016]*

Sl No	*Name of UTP*	*Reference Case No.*	*Section*	*Concerned Court*	*Date of Admission*	*Remarks*
1	Ms Sahida Bibi.	Spl (Narcotic) 04(A) 17 NGR. 984/16	21(6) NDPS Act	Addl Sessions Court (FTC), Bongaigaon	04-03-19	
2	Minara Begum along with a 2 month old baby girl	Abhyapuri P.S. Case No- 198 of 2020	366A/372, IPC	SDJM (M), Abhyapuri, Bongaigaon	21.03.2020	
3.	Sahila Narzary	Abhyapuri P.S. Case No- 16 of 2020	302, IPC	SDJM (M), Abhyapuri, Bongaigaon	26.03.2020	

The Secretary, DLSA has informed the committee that the UTP is Sl No-1 & 2 have been provided with Legal Aid and that final bail orders are not yet passed in the bail applications filed as the learned presiding officer is on leave.

Resolutions of Committee:

The committee has resolved that *the* ***Secretary, DLSA*** *will inform the committee of the status of the Bail Applications filed and also the Superintendent, District Jail will take all necessary steps for providing the necessary facilities to the said UTPs as required.*

12. UTPs who are first time offenders between the ages 19 and 21 years and in custody for the offence punishable with less than 7 years of imprisonment and have suffered at least 1/4th of the maximum sentence possible.

[As per order of Hon'ble Supreme Court dated 06th May, 2016]

The Committee perused the list of UTPs in detail and **found no such case** in the above category.

13. UTPs who are of unsound mind and must be dealt with Chapter XXV of the Code.

[As per order of Hon'ble Supreme Court dated 06th May, 2016]

Sl No	*Name of UTP*	*Date of Admission*	*Reference Case No.*	*Section*	*Concerned Court*
1	Md Nasir Ali.	20-03-2020	Abhyapuri P.S. Case No-193/2020	u/s 14 of the Foreigner Act 1944 r/w sec-6 of Passport (Entry into India) Rules, 1950	SDJM(M), North Salmara, Abhyapuri.

The Superintendent, District Jail has informed that Md Nasir Ali is responding well to the treatment and is only suffering from some mild symptoms of mental illness. The learned SDJM(M) has not submitted her report as regards the Mental Health Status report of the UTP.

Resolution:

Accordingly, the committee has resolved that the court of the learned SDJM(M), Abhyapuri may be asked to furnish the report as regards the mental health condition of the said UTP to the committee before the next meeting.

14. UTPs eligible for release under Section 437(6) of Cr.P.C, wherein in a case triable by a Magistrate, the trial of a person accused of any non-bailable offence has not been concluded within a period of 60 days from the first date fixed for taking evidence in the case. *[As per order of Hon'ble Supreme Court dated 06th May, 2016]*

The Committee perused the list of UTPs in detail and **found no such case** in the above category.

i) The committee also resolved that the Secretary, DLSA will prepare the minutes and have the same sent to the respective authorities for information and necessary action along with the necessary recommendations.

ii) The Committee also resolved that the date for the next Weekly Meeting of the UTRC will be informed in due course after discussing with all the stake holders telephonically.

The meeting ended with a Vote of Thanks and also thanked the other invitees present for making it convenient to attend the meeting.

Dated: 08th Day of May, 2020

PRESENT: SIGNATURES:

Shri Satya Nath Sarma, A.J.S - .....
District & Sessions Judge, Bongaigaon
(Chairman)

08/05/2020

Smti Sujata Dutta, A.J.S.. .....
Chief Judicial Magistrate, DLSA, Bongaigaon.
(**Special Invitee**)

08.05.20

Shri C. P. Talukdar, A.J.S.. .....
Secretary, DLSA, Bongaigaon.
(Member)

Chatrija 08/05/2020

Sri Anupam Deka, A.C.S. - .....
Additional District Magistrate, Bongaigaon
(Member)

Sri Pankaj Kakati, A.P.S. - .....
Addl. S. P. Bongaigaon.
(Member)

Shri J. Deka .....
Superintendent, District Jail, Abhayapuri,
(Member)